

REMARKS

Claims 14-20, 22-31 and 34-36 are pending. By this Amendment, claims 14, 20 and 26 are amended and no claims are cancelled or added.

Claims 14-20, 22-31 and 34-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0015898 to Breed in view of U.S. Patent No. 6,623,073 to Schafer and U.S. Patent No. 3,888,329 to Monaghan. Applicant respectfully traverses the rejections of claims 14, 20 and 26 for at least the reason that a person having ordinary skill in the art would not modify Breed by substituting the headrest of Schafer because the headrest of Schafer would render the device disclosed by Breed inoperable. That is, the disclosed headrests of Schafer rely solely on passive mechanical stops to establish the forward position of the front part of the headrest (see Schafer, col. 6, lines 51-55 and col. 9, lines 14-19) without adaptability to feedback control, and are therefore incompatible with the feedback sensing arrangement of Breed (see, e.g., Breed at [0059] ). Applicant respectfully submits that the incompatibility between Schafer and Breed renders the substitution, predictable results and obvious to try holdings of *KSR v. Teleflex* inapposite.

Applicant respectfully traverses the rejection of claim 14 for at least the additional reason that the combination of Breed, Schafer and Monaghan does not disclose a control circuit adapted to alter movement of a headrest driving mechanism disposed between a front part and a rear part to stop the front part of the headrest at the abutting position or the rear position, as required by the independent claim 14. Rather, the front part of the headrest disclosed by Schafer, cited in the Detailed Action as satisfying the elements of a driving mechanism located within a front and

back part of a headrest, relies solely on mechanical means to stop the front part of the headrest and is not adaptable for control by a control circuit.

Applicant further and respectfully traverses the rejection of claim 14 for the additional reason that the combination of Breed, Schafer and Monaghan does not disclose a control circuit adapted to return the front part of the headrest to an initial position by operating the headrest driving mechanism. Schafer does not disclose how the front part of the headrest is returned to the initial position, much less the use of a control circuit adapted for this purpose.

For at least the reasons cited above, Applicant respectfully submits that the combination of Breed, Schafer and Monaghan does not establish a *prima facie* case of obviousness of claim 14, nor of claims 15-19 and 34 which depend from claim 14.

Applicant respectfully traverses the rejection of claim 20 for at least the additional reason that the combination of Breed, Schafer and Monaghan does not disclose a control circuit adapted to stop the front part of a headrest having a headrest driving mechanism disposed between the front part and the rear part of the headrest when a predetermined state of approach or state of contact is detected by first and second sensors, as required by the independent claim 20. Rather, the front part of the headrest disclosed by Schafer, cited in the Detailed Action as satisfying the elements of a driving mechanism disposed between a front and back part of a headrest, relies solely on mechanical means to stop the front part of the headrest and is not adaptable for control by a control circuit.

Applicant further and respectfully traverses the rejection of claim 20 for the additional reason that the combination of Breed, Schafer and Monaghan does not disclose a control circuit adapted to operate the headrest driving mechanism to return the front part of the headrest from an

operating position to an initial position. Schafer does not disclose how the front part of the headrest is returned to the initial position, much less the use of a control circuit adapted for this purpose.

For at least the reasons cited above, Applicant respectfully submits that the combination of Breed, Schafer and Monaghan does not establish a *prima facie* case of obviousness of claim 20, nor of claims 21-25 and 35 which depend from claim 20.

Applicant respectfully traverses the rejection of claim 26 for at least the additional reason that the combination of Breed, Schafer and Monaghan does not disclose a control circuit adapted to alter movement of a headrest driving mechanism disposed between a front portion and a back portion of a headrest to stop the front portion of the headrest at the operating position, as required by the independent claim 26. Rather, the front part of the headrest disclosed by Schafer, cited in the Detailed Action as satisfying the elements of a driving mechanism located within a front and back part of a headrest, relies solely on mechanical means to stop the front part of the headrest and is not adaptable for control by a control circuit.

Applicant further and respectfully traverses the rejection of claim 26 for the additional reason that the combination of Breed, Schafer and Monaghan does not disclose a control circuit adapted to return the front part of the headrest to an initial position by operating the headrest driving mechanism. Rather, the driving mechanism cited by Schafer does not disclose how the front part of the headrest is returned to the initial position, much less the use of a control circuit adapted for this purpose.

For at least the reasons cited above, Applicant respectfully submits that the combination of Breed, Schafer and Monaghan does not establish a *prima facie* case of obviousness of claim

26, nor of claims 27-31 and 36 which depend from claim 26.

Nevertheless, to advance prosecution, Applicant amends each of the independent claims 14, 20 and 26 to include structure for moving the front part or front portion of the headrest diagonally forward and upward with respect to the rear part or back portion of the headrest. This aspect, in combination with the limitations imposed by the control circuit in each of the independent claims 14, 20 and 26, enable the front part or front portion of the headrest to be positioned at any point along the diagonally forward and upward path of the front part or portion, something the cited prior art does not teach. The diagonal trajectory during movement of the front part or portion causes any contact with the object or passenger's head to be glancing and less jarring.

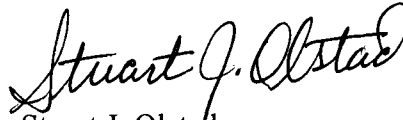
Furthermore, the structure as described can move the front part or front portion of the headrest merely by the rotation of one of the link members with respect to the other of the link members. This enables smooth control of the position of the front part or portion to prevent or reduce incidences of over-extension.

In view of the foregoing, Applicant is not presenting additional arguments with respect to the patentability of the dependent claims, although Applicant does not acquiesce to any of the rejections and reserves the right to raise additional arguments with respect to the patentability of such claims. Accordingly, Applicant respectfully requests that the rejections under §103(a) be withdrawn, and submits that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Application No. 10/587,679

Respectfully submitted,

A handwritten signature in black ink, reading "Stuart J. Olstad". The signature is written in a cursive style with a large, stylized "S" and "O".

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